



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)NO.6680 OF 2020

and

W.M.P(MD)No.6033 of 2020

M.Nagarajan

:Petitioner

.vs.

1.The Director General of Police,
Chennai,
Chennai District.

2.The Commissioner of Police,
Chennai Greater City,
Egmore, Chennai.

3.The Deputy Commissioner of Police,
Armed Reserve Force,
Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records and quash the order of dismissal in P.R.No.228/P.R.3(2)/2013 dated 28.3.2014 on the file of the third respondent and the order dated 4.3.2016 in P.R.No.228/P.R.III(2)/2013, on the file of the second respondent and direct the respondents to reinstate the Petitioner in service with all consequential monetary and service benefits by considering the representation of the Petitioner dated 21.11.2019.

For Petitioner

:Mr.P.Samuel Gunasingh

For Respondents

:Mr.M.Rajarajan
Govt.Advocate

O R D E R

This Writ Petition is filed seeking issuance of a Writ of Mandamus to quash the order of dismissal in P.R.No.228/P.R.3(2)/2013 dated 28.3.2014 on the file of the third respondent and the order dated 4.3.2016 in P.R.No.328/P.R.III(2)/2013, on the file of the second respondent and direct the respondents to reinstate the

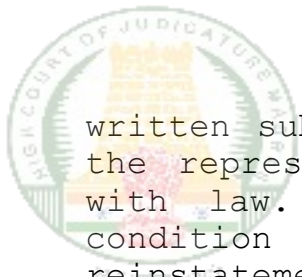


Petitioner in service with all consequential monetary and service benefits by considering the representation of the Petitioner dated 21.11.2019.

2.Mr.M.Rajarajan, learned Government Advocate takes notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner has been in employment with the respondents for quite a number of years. Though the Writ Petition has been filled for a Writ of Certiorarified Mandamus, a mandamus alone shall be issued. The facts relating to this case is that on 4.3.2016 by proceedings of the second respondent in P.R.No.328/P.R.III(2)/2013, the Petitioner who is a Police Constable bearing No.31156, attached to the 29th Platoon, E Coy Armed Reserve, Pudupettai, Chennai has been imposed with a punishment of removal from service. The second respondent examined the appeal petition dated 21.4.2014 preferred by the Petitioner. The Petitioner was originally dealt with under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. The main crux of the charge was that the Petitioner had demanded dowry a sum of Rs.1 lakhs and also 50 sovereigns of gold jewelleries from his wife and had also treated his wife with cruelty and finally, she had committed suicide. A case in Crime No.273 of 2013 has been registered against the Petitioner under Section 174 of Cr.P.C which was then altered into one under Section 306 of IPC. After completion of domestic enquiry, the third respondent/the Deputy Commissioner of Police, Armed Reserve Force, Chennai had awarded the punishment of removal from service on 28.3.2014. The Petitioner, however, had agitated that issue before the higher forum. Finally the criminal case in S.C.No.545 of 2017, by judgement dated 24.10.2019 ended in acquittal. In the meanwhile, the impugned order came to be passed on the appeal preferred by the Petitioner. Now since the Petitioner had been acquitted from the criminal case, the Petitioner had taken advantage of the judgement of the Honourable Supreme Court in **Captain M. Paul Antony .VS.Bharat Gold Mines Limited**, wherein the Honourable Supreme Court, according to the Petitioner, in very similar circumstances, had reinstated the Petitioner therein owing to the acquittal in the criminal case. The Petitioner had given a representation, dated 21.11.2019 seeking reconsideration of the punishment imposed on him removing him from service.

4.It is, in these circumstances, now the prayer for certiorarified Mandamus is moulded to the relief of mandamus and a direction is issued to the first respondent/The Director General of Police, Chennai, Chennai District to consider the representation of the Petitioner, dated 21.11.2019 by taking into consideration the ratio laid down in the aforesaid judgment of the Honourable Supreme Court and grant him an opportunity of personal hearing or to file



written submission by the Petitioner and thereafter pass orders on the representation of the Petitioner on merits and in accordance with law. Since the entire issue revolves around the service condition of the Petitioner and since the Petitioner seeks for reinstatement, it would only be appropriate that the first respondent shall dispose of the representation of the Petitioner at the earliest point of time, preferably on or before 15.08.2020.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vsn

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocates/litigants concerned.

To

1. The Director General of Police,
Chennai,
Chennai District.
2. The Commissioner of Police,
Chennai Greater City,
Egmore, Chennai.
3. The Deputy Commissioner of Police,
Armed Reserve Force,
Chennai.

ORDER MADE IN
W. P (MD) NO. 6680 OF 2020
and
W. M. P (MD) No. 6033 of 2020
12.06.2020